

SENATE BILL No. 397

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-2.1.

Synopsis: Board of animal health issues. Allows the board of animal health (board) to meet using specified means of communications. Provides the board with authority over pests of animals and objects that could harbor a pest or disease. Allows the board to pay certain indemnity costs related to condemned animals and objects, including disposal and disinfection costs. Prohibits indemnity in certain circumstances. Removes the limit that can be paid for cattle because of tuberculosis. Repeals certain definitions. Makes technical amendments.

Effective: July 1, 2004.

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January 12, 2004, read first time and referred to Committee on Agriculture and Small Business.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 397

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-2.1-1-1, AS AMENDED BY P.L.124-2001,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 1. It is the purpose of this article to promote, ~~and~~
4 encourage, **and advance** the prevention, ~~suppression,~~ **detection**,
5 control, and eradication of ~~infectious, contagious and communicable~~
6 diseases **and pests** affecting:

7 (1) the health of animals within Indiana; and

8 (2) trade in animals and animal products in and from Indiana.

9 SECTION 2. IC 15-2.1-1-5, AS AMENDED BY P.L.124-2001,
10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2004]: Sec. 5. It is the purpose of this article to control and
12 regulate the sanitary and health conditions under which animals are
13 brought upon, consigned to, sold, bartered, or exchanged through, or
14 removed from, the premises of auction sale barns or community sales,
15 to the end that the spread of ~~animal~~ diseases **and pests of animals** in
16 this state shall be controlled and also that the public health and welfare
17 of the citizens of this state shall be conserved and protected.



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SECTION 3. IC 15-2.1-2-2.5, AS ADDED BY P.L.124-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2.5. "Animal" ~~for purposes of IC 15-2.1-16,~~ means domestic or wild animals, including livestock and poultry: **any member of the animal kingdom, except humans.**

SECTION 4. IC 15-2.1-2-3.4, AS ADDED BY P.L.124-2001, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3.4. "Approved certificate of veterinary inspection" means an official ~~health certificate or~~ certificate of veterinary inspection that bears the approval of the chief livestock sanitary official of the state of origin.

SECTION 5. IC 15-2.1-2-29.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 29.9. "Move" means the following:

- (1) To carry, enter, import, mail, ship, or transport.
- (2) To aid, abet, cause, or induce carrying, entering, or importing, mailing, shipping, or transporting.
- (3) To offer to carry, enter, import, mail, ship, or transport.
- (4) To receive in order to carry, enter, import, mail, ship, or transport.
- (5) To release into the environment.
- (6) To allow any of the activities described in this section.

SECTION 6. IC 15-2.1-2-31.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 31.1. "Object", for purposes of IC 15-2.1-1 through IC 15-2.1-21, means any pest or disease or any material or tangible thing that could harbor a pest or disease.

SECTION 7. IC 15-2.1-2-31.3, AS ADDED BY P.L.124-2001, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 31.3. "Official health certificate" or "official certificate of veterinary inspection" means an official document issued by a state or federal representative or an accredited veterinarian that records a veterinary inspection of the animal, statements about the health of the animal, tests conducted on the animal, vaccinations given the animal, and other information about the animal and its movement that is required by a state or by the United States to be recorded.

SECTION 8. IC 15-2.1-2-39.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 39.1. "Pest" means any of the following that can directly or indirectly injure, cause damage to, or cause disease in animals:

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- (1) A protozoan.
- (2) A plant.
- (3) A bacteria.
- (4) A fungus.
- (5) A virus or viroid.
- (6) An infectious agent or other pathogen.
- (7) An arthropod.
- (8) A parasite.
- (9) A prion.
- (10) A vector.
- (11) Any organism similar to or allied with any of the organisms described in this subdivision.

SECTION 9. IC 15-2.1-2-54 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 54. "Veterinarian" means a person authorized by law to practice veterinary medicine. ~~in this state.~~

SECTION 10. IC 15-2.1-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) The board shall hold quarterly meetings at the office of the board in the city of Indianapolis, in the months of January, April, July, and October of each year. ~~and~~

(b) The board may hold special meetings upon the call of the chairman or a majority of the members of the board.

(c) Six (6) members of the board shall constitute a quorum to transact business.

(d) The following applies to a meeting of the board:

(1) A member of the board may participate in a meeting of the board using any means of communication that permits all:

(A) other board members participating in the meeting;
and

(B) members of the public who are physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(2) A member of the board who participates in a meeting under this subsection is considered to be present at the meeting.

(3) The memorandum of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:

(A) was physically present at the place where the meeting was conducted;

(B) participated in the meeting using a means of

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communication described in this subsection; or
(C) was absent.

SECTION 11. IC 15-2.1-3-11, AS AMENDED BY P.L.124-2001, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. The board shall have general supervision of the prevention, ~~suppression;~~ **detection**, control, and eradication of ~~infectious, contagious and communicable diseases and pests~~ affecting the health of animals within and in transit through the state and the production, manufacture, and processing and distribution of products derived from animals to control health hazards that may threaten the public health and welfare of the citizens of Indiana.

SECTION 12. IC 15-2.1-3-13, AS AMENDED BY P.L.124-2001, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. In addition to the powers and duties given the board elsewhere in this article and otherwise by law, the board shall have the powers and duties as are reasonable and necessary to do the following:

(1) Provide for the quarantine of animals ~~affected with or that have been exposed to an infectious, contagious, or communicable disease; and objects to prevent, control, and eradicate diseases and pests of animals.~~

(2) ~~Provide for and control the establishment~~ **Develop, adopt, and maintenance of implement programs and procedures for establishing and maintaining** accredited, certified, validated, or otherwise designated disease **or pest** free or disease **or pest** monitored **animals**, herds, flocks, or areas, including but not limited to the following:

(A) The ~~control establishment and accreditation maintenance~~ of herds that are ~~free of monitored for disease or pest~~ syndromes.

(B) The establishment and maintenance of certified or validated brucellosis free herds, **animals**, and areas.

(C) The establishment and maintenance of accredited tuberculosis free herds, **animals**, and areas.

~~(D) The establishment and maintenance of validated, monitored, certified, or other disease statuses for herds and areas.~~

(3) ~~Provide~~ **Develop, adopt, and implement** programs and plans for the prevention, **detection**, control, and eradication of ~~infectious, contagious, or communicable diseases in and pests of~~ animals.

(4) Control or prohibit, **by permit or other means**, the movement

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and transportation into, out of, or within the state, of animals and ~~the products of animals that~~ **objects in order to prevent, detect, control, or eradicate diseases and pests of animals. When implementing controls or prohibitions the board may consider whether animals or objects** are diseased, suspected to be diseased, ~~or~~ under quarantine, or ~~that originate~~ **whether they originated** from a country, a state, ~~or other~~ **an area, or a premises** that is known **or suspected** to harbor animals **or objects** infected ~~with or exposed to~~ a disease **or pests of animals.**

(5) Control ~~or prohibit~~ the public and private sale of animals **and objects** in order to prevent the spread of disease **and pests of animals.**

(6) Control the **use**, sanitation, and disinfection of public stockyards and the **use**, sanitation, and disinfection of ~~vehicles~~ **used as public carriers means of conveyances** for the transportation of animals **and objects** into and within the state **to accomplish the objectives of this article.**

(7) Control the **use**, sanitation, and disinfection of ~~the~~ premises, buildings, sheds, lots, and other places ~~or enclosures where diseased animals have been confined:~~ **facilities, and equipment to accomplish the objectives of this article.**

(8) Control the movement of animals **and objects** to, ~~and~~ from, **and within** premises where ~~infectious, contagious, or communicable diseases or pests of animals may exist. or of material that may carry or spread disease.~~

(9) Control the **movement and** disposal of carcasses of animals **and objects.**

(10) Control the manufacture, sale, storage, distribution, handling, and use of serums, vaccines, and other biologics and veterinary drugs, except those drugs for human consumption regulated under IC 16-42-19, to be used for the prevention, **detection**, control, and eradication of disease ~~in~~ **and pests of animals.**

(11) Prescribe the means, methods, and procedures for and otherwise control the vaccination ~~or other treatment of animals and objects~~ and the conduct of tests for ~~disease diseases and pests of animals.~~

(12) ~~Provide~~ **Develop, adopt, and implement plans and programs** for the identification of animals, **objects, premises, and means of conveyances. Plans and programs may include identification of animals or objects** that have been condemned for ~~slaughter~~ under provisions of this article, and ~~for the~~

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identification of animals that have and have not satisfactorily passed tests established for detecting the presence of an infectious, contagious, or communicable disease: **related to classification as to disease, testing, vaccination, or treatment status.**

(13) Establish the terms and method of appraisal **or other determination of value** of animals **and objects** condemned for slaughter under provisions of this article, the payment of any indemnities that may be provided for such animals **and objects**, and the regulation of the sale **or other disposition** of such animals **or objects**.

(14) Control the sale of baby chicks.

(15) Cooperate and enter into agreements with the appropriate departments and agencies of this state, of any other state, or of the federal government for the purpose of preventing, **detecting**, controlling, and eradicating ~~infectious, contagious, and communicable~~ diseases **and pests** of animals.

(16) Control or prohibit the movement and transportation into, out of, or within the state, of wild animals, ~~or including~~ birds, that might carry or disseminate diseases ~~to or~~ **pests of** animals. ~~or birds in Indiana.~~

(17) Provide for condemning or abating conditions ~~causative of disease in that cause,~~ **aggravate, spread, or harbor diseases or pests of** animals.

(18) Establish and designate, in addition to the disease testing service laboratory at Purdue University, other laboratories as may be necessary to make tests of any nature for ~~disease:~~ **diseases and pests of** animals.

(19) ~~Cause investigations to be made as to~~ **Investigate, develop, and implement** the best methods for the prevention, **detection**, control, suppression, or eradication of ~~contagious, infectious, or communicable~~ diseases **affecting and pests of** animals.

(20) Investigate, gather, and compile information concerning the organization, business conduct, practices, and management of any **registrant**, licensee, permittee, applicant for a license, or applicant for a permit. **Investigate allegations of unregistered, unlicensed, and unpermitted activities.**

(21) Institute legal action in the name of the state of Indiana as is necessary to enforce its orders and regulations and the provisions of this article.

(22) Control the collection, transportation, and cooking of garbage to be fed to swine **or other animals** and all matters of sanitation

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relating thereto affecting the health of swine or **other animals**
and affecting public health and comfort.

(23) Adopt an appropriate seal.

(24) Issue orders as an aid to enforcement of the powers granted
 it by this article **and IC 15-5-14.**

(25) Control disposal plants and byproducts collection services
 and all matters connected thereto.

(26) Abate biological or chemical substances that:

(A) remain in or on any animal before or at the time of
 slaughter as a result of treatment or exposure; and

(B) are found by the board to be or have the potential of being
 injurious to the health of animals or humans.

(27) Regulate the production, manufacture, processing, and
 distribution of products derived from animals to control health
 hazards that may threaten **animal health**, the public health and
 welfare of the citizens of Indiana, and the trade in animals and
 animal products in and from Indiana.

(28) Cooperate and coordinate with local, state, and federal
 emergency management agencies to plan and implement disaster
 emergency plans and programs as they relate to animals in
 Indiana.

(29) Assist law enforcement agencies investigating allegations of
 cruelty and neglect of animals.

(30) Assist organizations that represent livestock producers with
 issues and programs related to the care of livestock.

SECTION 13. IC 15-2.1-3-14, AS AMENDED BY P.L.124-2001,
 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2004]: Sec. 14. **(a)** The board or its agent may make sanitary
 inspections and surveys in all parts of this state, and shall have the right
 to enter upon any public or private property where any animals **or**
objects are at the time quartered, **or including** wherever the carcass of
 any animal may be, for the purpose of inspecting such property,
 examining such animals **or objects**, conducting tests in regard to the
 presence of ~~an infectious, contagious, or communicable disease~~
diseases or pests of animals and the possible cause and sources of such
 disease **or pest**, and for performing any other function authorized by
 this article.

**(b) The board or the board's agent may hold, seize, quarantine,
 treat, destroy, dispose of, or take other remedial action with
 respect to any animal or progeny of any animal, object, or means
 of conveyance that the board or the board's agent:**

(1) has reason to believe may carry, may have carried, or may

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1 have been affected by or exposed to any disease or pest of
 2 animals or that violates this article or a rule adopted under
 3 this article;

4 (2) finds is not being maintained or has not been maintained
 5 in accordance with a quarantine or condition imposed under
 6 this article, a rule adopted under this article, or an order
 7 issued under the authority of this article; or

8 (3) determines must be acted upon to prevent the
 9 dissemination of a disease or pest of animals.

10 SECTION 14. IC 15-2.1-7-7, AS AMENDED BY P.L.124-2001,
 11 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2004]: Sec. 7. Owners of cattle, goats, and cervids that are
 13 destroyed because they have shown a positive reaction to a tuberculin
 14 test, or because they have been exposed by reason of association with
 15 tubercular animals, shall be indemnified for such animals in
 16 accordance with rules of the board and the United States Department
 17 of Agriculture. Payment by the state may not exceed the per animal
 18 limit set in the rules of the board. ~~Payment for cattle may not be more~~
 19 ~~than three hundred and fifty dollars (\$350) per animal.~~ Joint
 20 federal-state indemnity, plus salvage, may not exceed the appraised
 21 value of each animal. State indemnity may not exceed federal
 22 indemnity on each animal. No indemnity may be paid for cattle
 23 reacting to a tuberculin test which has been applied by any veterinarian
 24 other than the state veterinarian, ~~his the state veterinarian's~~ agent, or
 25 an agent of the United States Department of Agriculture.

26 SECTION 15. IC 15-2.1-18-11 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. ~~Inspection of~~
 28 ~~Suspected Dangerous or Diseased Animals.~~ The state veterinarian or
 29 ~~his the state veterinarian's~~ agent shall make an examination of
 30 animals **and objects** suspected to be dangerous or diseased and shall
 31 enforce the laws, ~~regulations~~ **rules**, and orders relating thereto.

32 SECTION 16. IC 15-2.1-18-12 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. ~~Authority Given~~
 34 ~~USDA.~~ The agents of the United States department of agriculture shall
 35 have the right of inspection, testing, quarantine, and condemnation of
 36 animals **and objects** within this state affected with any ~~contagious or~~
 37 ~~infectious~~ **disease or pest of animals**, suspected to be so affected, or
 38 that may have been exposed to any such disease **or pest of animals**.
 39 For such purposes, they may enter upon any ground or premises and
 40 may call upon the sheriffs, constables, and other peace officers to assist
 41 them in the discharge of their duties. Such sheriffs, constables, or peace
 42 officers shall assist such inspectors when so requested, and such

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inspectors shall have the same power and protection as peace officers, when engaged in the discharge of their duties. However, this state shall not be liable for any damages or expenses caused or made by such inspectors.

SECTION 17. IC 15-2.1-18-13, AS AMENDED BY P.L.13-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. Whenever the governor has good reason to believe that any disease **or pest of animals** has ~~become epidemic in another state been discovered~~ and that the importation of animals or ~~products derived from animals~~ **objects from that another state, or the movement of animals or objects within Indiana**, would be injurious to the health of the citizens or the animals of this state, the governor may, on the recommendation of the board, ~~designate such locality by proclamation and~~ prohibit the entry **or other movement**, or stipulate the conditions under which animals and ~~products derived from animals of the type diseased or animals exposed to the disease~~ **objects** may enter **or move within** the state.

SECTION 18. IC 15-2.1-18-14, AS AMENDED BY P.L.124-2001, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. **(a) Except as provided in subsection (b), the owner of any animal feed, or other material object condemned by the board shall be indemnified in accordance with this article and regulations governing the payment of indemnity by the state or by the state in cooperation with the federal government. The length of time in which any of the condemned animals have been in the state which are condemned under this article shall in no way be controlling with respect to the payment of indemnity. The board or the board's agent shall determine indemnity amounts based on appraisals or other determinations of value made in accordance with:**

- (1) rules and policies adopted by the board; or**
- (2) laws and policies of the federal government;**

that govern indemnity payments.

(b) The board is not required to indemnify objects that are adulterated, misbranded, or condemned under IC 15-2.1-23, IC 15-2.1-24, or IC 16-42.

(c) The board may pay the cost of transporting, testing, treating, euthanizing, destroying, and disposing of infected, exposed, or suspect animals and objects.

(d) The board may pay the cost of cleaning and disinfecting for purposes allowed under this article.

SECTION 19. IC 15-2.1-18-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. ~~No~~ **(a) Except as**

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provided in subsection (b), an indemnity payment shall not be made for the following:

- (1) Animals **or objects** belonging to the United States.
- (2) Animals **or objects** belonging to this state.
- (3) Animals **or objects** brought into the state ~~contrary to or~~ **moved in violation of this article, the rules of the board, or an agreement for the control of diseases or pests.**
- (4) Animals which were previously affected by any other disease **or pest**, which, from its nature and development, was incurable and necessarily fatal.
- (5) Animals **or objects** affected with disease ~~which that~~ the owner purchased, **knowing that the animals or objects were infected with or exposed to a disease or pest of animals, including animals or objects** purchased from a place where a contagious disease **or pest of animals** was known to exist. ~~or~~
- (6) Any ~~cattle which may react~~ **animal or object that the owner or the owner's agent intentionally infects with or exposes to any test for brucellosis made under the provisions of this article: a disease or pest of animals.**

(b) The board may pay indemnity for animals or objects described in subsection (a)(3) through (a)(5) if the board finds that payment of indemnity is necessary to accomplish the purposes of this article.

SECTION 20. IC 15-2.1-18-16, AS AMENDED BY P.L.124-2001, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 16. The board or its agent may condemn and control the disposition thereof; after satisfactory appraisal has been made in accordance with the regulations of the board or the United States department of agriculture; any animal affected ~~or object~~ **infected with or exposed to**, or suspected to be infected with **or exposed to** foot and mouth disease, glanders, or ~~such other diseases which present unforeseeable aspects; insofar as control and eradication diseases or pests of such diseases is concerned and which; animals that,~~ in the opinion of the board, ~~present are a definite health hazard to the livestock industry, or other animals, or the citizens of the state. Feed or other material~~ **Objects infected with, exposed to, or suspected to be infected with or exposed to** such diseases may ~~likewise be condemned after appraisal and shall be destroyed or disposed of in such a manner as the board may direct.~~

SECTION 21. IC 15-2.1-18-16.5, AS ADDED BY P.L.124-2001, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 16.5. The board may purchase an

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1 animal **or object** for the purpose of ~~diagnosing, evaluating,~~ preventing,
 2 **detecting**, controlling, and eradicating diseases ~~that present a definite~~
 3 ~~health hazard to the livestock industry or other~~ **and pests of animals.**
 4 ~~in Indiana.~~

5 SECTION 22. IC 15-2.1-18-21, AS ADDED BY P.L.13-1999,
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2004]: Sec. 21. If the board determines that a disease **or pest**
 8 **of animals** presents a ~~definite~~ health hazard to the citizens or animals
 9 of the state, the following action may be taken:

10 (1) The board may adopt emergency rules under IC 4-22-2-37.1
 11 that ~~provide for any of~~ **facilitate the prevention, detection,**
 12 **control, and eradication of the disease or pest, including the**
 13 **following:**

14 (A) Prohibit or impose conditions on importing animals and
 15 ~~products derived from animals~~ **objects** into the state.

16 (B) Require testing of animals and ~~products derived from~~
 17 ~~animals:~~ **objects.**

18 (C) Require vaccination **or other treatment** of animals **and**
 19 **objects.**

20 (D) ~~Restrict~~ **Prohibit or impose conditions on** moving
 21 animals and ~~products derived from animals~~ **objects** within the
 22 state.

23 (E) **Govern the disposition of animals and objects.**

24 (F) Impose other measures governing animals and ~~products~~
 25 ~~derived from animals~~ **objects** to protect the citizens and
 26 animals of the state from ~~disease:~~ **diseases and pests of**
 27 **animals.**

28 (2) The state veterinarian may issue emergency orders under
 29 IC 4-21.5-4 governing animals and ~~products derived from~~
 30 ~~animals;~~ **objects** in order to protect the citizens and animals of the
 31 state from ~~disease:~~ **diseases and pests of animals.**

32 SECTION 23. IC 15-2.1-18-22, AS ADDED BY P.L.13-1999,
 33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2004]: Sec. 22. If the board determines that a disease
 35 ~~epidemic or pest of animals~~ has or is imminently likely to result in a
 36 large number of dead animals, the board may facilitate the prompt
 37 disposal of the dead animals by adopting an emergency rule under
 38 IC 4-22-2-37.1 that amends or suspends:

39 (1) IC 15-2.1-16; and

40 (2) any rule adopted by the board that governs the disposal of
 41 dead animals.

42 SECTION 24. IC 15-2.1-18-23, AS ADDED BY P.L.13-1999,

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SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 23. If the board determines that ~~an animal a~~ disease **or pest of animals** presents a ~~definite~~ hazard to the citizens or animals of the state, the board may: ~~declare an animal health emergency. If an animal health emergency is declared, the board may:~~

(1) use funds appropriated to the board by the general assembly for indemnity or any other purpose; and

(2) submit to the budget agency a request for additional funds under IC 4-12-1-15 or any other prescribed procedure **and use any funds received;**

for the purpose of addressing the ~~animal health emergency: hazard.~~

SECTION 25. IC 15-2.1-24-19, AS AMENDED BY P.L.124-2001, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19. (a) A person subject to this chapter that has not been approved for inspection may not offer for sale meat or poultry, a meat food product, or a poultry product in commerce in Indiana.

(b) The board may **take the following actions for a violation of this section:**

(1) Issue an order of compliance under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4.

(2) Levy a civil penalty under ~~IC 4-21.5-3-8; or IC 4-21.5-3-6.~~

(3) ~~do~~ Both of the actions listed in subdivisions (1) and (2).

~~for a violation of this section:~~

(c) The board may, by rules adopted under IC 4-22-2, adopt a schedule of civil penalties that may be levied for violations of this section. A penalty included in the schedule of civil penalties may not exceed one thousand dollars (\$1,000) per violation for each day of the violation.

SECTION 26. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2004]: IC 15-2.1-2-4; IC 15-2.1-2-32.

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